UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,225	07/10/2003	Hiroaki Momose	Q76505	2249

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EXAMINER
MCLEAN, NEIL R

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
03/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
kghyndman@sughrue.com
USPatDocketing@sughrue.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 December 2007_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4,10 and 13_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1,4,10 and 13_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Claims 2-3, 5-9, 11-12, and 14-17 withdrawn from further consideration pursuant

to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable

generic or linking claim. Applicant timely traversed the restriction (election) requirement

in the reply filed on 12/17/2007.

Priority

2.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1, 4, 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated

by Gilman et al. (US 6,856,427).

Regarding Claim 1:

Gilman et al. discloses an image regulation apparatus **(FIG. 1 is a block diagram of a system that includes a digital image source, such as a digital camera 10 or a film scanning system and digital writing system (not shown) that records digitized film image files that also includes a host computer 40 and a networked printing service 70. An imaging application runs on the host computer 40.)** that regulates an image, said image regulation apparatus comprising:

a transparency specification module that specifies a degree of transparency **(FIG. 4 depicts the exposure adjustment screen 340 that forms part of the graphical user interface displayed on display monitor 52 as described in Column 4, lines 35-37)**;

a transparent range specification module that specifies an arbitrary range of an image as a transparent range **(The screen includes a "before" correction picture 350, an "after" correction picture 352, and a user adjustable exposure setting interface 354 having a control bar 356 with a user adjustable control position setting 358 as described in Column 4, lines 37-40.)**; and

a transparency setting module that, in response to specification of the transparent range, sets a new degree of transparency for an image in the transparent range, based on a current setting of transparency for the image in the transparent range and the degree of transparency specified by said transparency specification module **(When the image to be improved (e.g. image 302a in FIG. 3) is first displayed, the CPU 50 displays the uncorrected image as both the "before"**

correction image 350 and the "after" correction image 352, and sets the control

setting 358 to the middle (e.g. no correction) position as described in Column 4,

lines 41-45.)

Regarding Claim 4:

Gilman et al. discloses the image regulation apparatus in accordance with claim

1, wherein said transparency setting module comprises:

a first transparency setting sub-module that selectively sets a lower degree of

transparency between the specified degree of transparency and the current setting of

transparency, as the new degree of transparency for the image in the transparent range

(As the user moves the control setting 358 to the left (towards darken) the image

data used to display the "after" correction image is modified using a lookup table

implementing a non-linear function that nonlinearly modifies the rendered digital

image to effect an exposure change. The non-linear function modifies the digital

image to cause the brightness of the highlights, mid-tones, and shadows of the

modified digital image look the same as if the camera had provided a _lower_

exposure level to the image sensor when the image was captured by the digital

camera 10 or the film camera (not shown), FIGS. 6a-6c. as described in Column 4,

lines 45-57.); and

a second transparency setting sub-module that selectively sets a higher degree

of transparency between the specified degree of transparency and the current setting of

transparency, as the new degree of transparency for the image in the transparent

range, said image regulation apparatus further comprising **(Moving the control setting 358 to the right (towards lighten) causes the image data to be modified using a lookup table that causes the modified digital image to appear as if the camera had provided a correspondingly _higher_ exposure level as described in Column 4, lines 57-61.)**:

a selection module that selectively activates either of said first transparency setting sub-module and said second transparency setting sub-module **(When the user is satisfied with the setting the "OK" icon 360 is selected, and control setting 358 is stored in step 114 as described in Column 5, lines 6-8).**

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Regarding Claim 10:

Gilman et al. discloses the image regulation method that regulates an image, said image regulation method comprising the steps of:

(a) specifying a degree of transparency **(FIG. 4 depicts the exposure adjustment screen 340 that forms part of the graphical user interface displayed on display monitor 52 as described in Column 4, lines 35-37)**;

(b) specifying an arbitrary range of an image as a transparent range **(The screen includes a "before" correction picture 350, an "after" correction picture 352, and a user adjustable exposure setting interface 354 having a control bar 356 with a user adjustable control position setting 358 as described in Column 4, lines 37-40.)**; and

(c) in response to specification of the transparent range, setting a new degree of transparency for an image in the transparent range, based on a current setting of transparency for the image in the transparent range and the degree of transparency specified by said step (a) **(When the image to be improved (e.g. image 302a in FIG. 3) is first displayed, the CPU 50 displays the uncorrected image as both the "before" correction image 350 and the "after" correction image 352, and sets the control setting 358 to the middle (e.g. no correction) position as described in Column 4, lines 41-45.)**

Regarding Claim 13:

Gilman et al. discloses the image regulation method in accordance with claim 10, wherein said step(c) comprises the steps of:

(c1) selectively setting a lower degree of transparency between the specified degree of transparency and the current setting of transparency, as the new degree of transparency for the image in the transparent range **(As the user moves the control setting 358 to the left (towards darken) the image data used to display the "after" correction image is modified using a lookup table implementing a non-linear function that nonlinearly modifies the rendered digital image to effect an exposure change. The non-linear function modifies the digital image to cause the brightness of the highlights, mid-tones, and shadows of the modified digital image look the same as if the camera had provided a _lower_ exposure level to the**

image sensor when the image was captured by the digital camera 10 or the film

camera (not shown), FIGS. 6a-6c. as described in Column 4, lines 45-57.); and

(c2) selectively setting a higher degree of transparency between the specified

degree of transparency and the current setting of transparency, as the new degree of

transparency for the image in the transparent range, said image regulation method

further comprising the step of **(Moving the control setting 358 to the right (towards**

lighten) causes the image data to be modified using a lookup table that causes

the modified digital image to appear as if the camera had provided a

correspondingly _higher_ exposure level as described in Column 4, lines 57-61.):

(d) prior to said step(c), selectively activating either of setting by said step(c1)

and setting by said step(c2) **(When the user is satisfied with the setting the "OK"**

icon 360 is selected, and control setting 358 is stored in step 114 as described in

Column 5, lines 6-8).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Weldy (US 7,085,007) discloses a method of processing digital

color images, and more particularly to a method of adjusting the color reproduction of a

digital color image.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neil R. McLean whose telephone number is (571)270-

1679. The examiner can normally be reached on Monday through Friday   7:30AM-
5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/
Examiner, Art Unit 2625
03/06/2008

/Gabriel I Garcia/

Acting SPE of Art Unit 2625